

REMARKS

The above-identified patent application is a divisional of allowed U.S. Patent Application No. 09/905,829 (USAN 09/905,829), filed July 13, 2001, to which priority is claimed under 35 U.S.C. §120. In addition, USAN 09/905,829 claims the benefit of U.S. Provisional Patent Application No. 60/220,145, filed July 24, 2000, pursuant to 35 U.S.C. §119(e). Consequently, the Cross-Reference to Related Application paragraph has been amended to include the parent and provisional applications.

With regard to the claims, claims 1-10 and 14 have been cancelled without prejudice, and new claims 23 and 24 have been added. Applicants respectfully note that the instant new claims 23 and 24 were added in the parent application (USAN 09/905,829) as claims 29 and 30 in a Preliminary Amendment filed on February 25, 2002, prior to any substantive examination. In the Restriction Requirement from that parent application, mailed September 12, 2002 (Paper No. 8), there were allegedly three distinct inventions, one of which was identified as Group II (claims 11-13, 15-22, 29 and 30 of USAN 09/905,829), drawn to an exopolysaccharide. Accordingly, all of the currently pending claims in the instant application were part of restriction Group II in the parent application. No new matter has been added. Therefore, claims 11-13, and 15-24 are currently pending.

In view of the state of the art at the time of filing of the priority application, as disclosed in the specification and as recited in claims 11-13 and 15-24, the present application complies, *inter alia*, with the requirements of 35 U.S.C. §112. Applicants therefore respectfully submit that the present application teaches a person of ordinary skill in the art how readily to make, without undue experimentation, an exopolysaccharide in slime form. The present claims are, therefore, in condition for allowance.

6

New Divisional Application
Preliminary Amendment

If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to telephone the undersigned at (206) 622-4900.



00500

PATENT TRADEMARK OFFICE

Respectfully submitted,

Motohide Yamazaki *et al.*

Seed Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read "Jeffrey C. Pepe", written over a horizontal line.

Jeffrey C. Pepe, Ph.D.

Registration No. 46,985

(JCP:Imp) 392765

Phone: (206) 622-4900

Fax: (206) 682-6031